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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92050734
Party	Defendant IV-Media, LLC
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Submission	Motion for Summary Judgment
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

REAL ESTATE CHANNEL  
CORPORATION,

Petitioner,

Cancellation No. 92050734

v.

Registration No. 3270964

IV-MEDIA, LLC,

Mark: THEREALESTATECHANNEL

Registrant.

**REGISTRANT’S CROSS MOTION FOR SUMMARY JUDGMENT ON COUNT I**

Registrant, IV-Media, LLC, by counsel, for its Cross Motion for Summary Judgment on Count I of the Petition for Cancellation, states as follows:

1. On October 29, 2009, Petitioner, Real Estate Channel Corporation (“Petitioner”), filed a motion for summary judgment on Counts I (Fraud) and II (Mere Descriptiveness) of the Petition for Cancellation.

2. In response to Petitioner’s motion for summary judgment, IV-Media, LLC is cross moving for summary judgment on Count I of the Petition for Cancellation.

3. IV-Media, LLC is entitled to summary judgment on Count I because Petitioner cannot meet its heightened burden for proving fraud under the standard outlined by the Court of Appeals for the Federal Circuit in In re Bose.

4. Count I of the Petition for Cancellation should be dismissed with prejudice because Petitioner cannot show by clear and convincing evidence that IV-Media, LLC knowingly made a false, material representation with the intent to deceive the United States Patent and Trademark Office when IV-Media, LLC submitted its 2(f) statement in connection with its trademark application for the THEREALESTATECHANNEL mark.

